

REMARKS

Claim 38 has been amended.

Claims 38-43, 62, and 70 remain in the application

The Examiner indicates that the amendment to the drawings and to Specification pages 15, 16, and 18 have not been entered "since it introduces new matter." The amendments are identical to the amendments approved by the Examiner in the parent case. The reference numeral "360" for the sterile weld identified in the original specification and drawings overlaps with reference numeral "360" assigned to the normally sealed outlet port also identified in the original specification and drawings. Likewise, the reference numeral "306" for the container identified in Fig. 9 overlaps with reference numeral "306" also assigned to the filter shown in Fig. 9. To correct these typographical errors, Applicant seeks only to renumber the sterile weld with a new reference number "340" (a number not previously assigned) and the container with reference numeral "302" (as identified in specification on, e.g., page 7, line 20). The correction of reference numbers to fix typographical errors and avoid confusion adds no new matter.

The claims stand rejected under 35 U.S.C. §103, based either upon Foley (US 6,319,662) or Bischof (US 5,300,019) and Foley (US 6,319,662). The Examiner states that the invention differs from Foley and/or Bischof by defining a kit, and goes on to conclude that it would have been obvious to group the components into a kit. The Examiner notes that the terminology "thereby preventing degradation of the photoactive material prior to use" was not in the claims submitted with Amendment A. Claim 38 has been amended to include this terminology. The Examiner also states that the walls of the container 10 in Foley "absorbs light that activates the photoactive material." Applicant respectfully disagrees. If the walls absorb light that activates the photoactive material, then the light would not reach the photoactive material and photoactivation would not occur. The exact opposite occurs in Foley: the walls do not absorb light, but allow it to pass and reach the photoactive material, so that photoactivation can occur. The Applicant therefore respectfully traverses the Examiner's rejections. Neither Foley nor Bischof and Foley teach or suggest a kit that includes a source of photoactive material to be mixed with a blood constituent, which is enveloped by an overwrap that absorbs light that activates the photoactive material, thereby

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preventing degradation of the photoactive material prior to use (see Specification, page 13, lines 8 to 20).

Allowance of claims 38 to 43, 62, and 70 is thereby respectfully requested.

Respectfully Submitted,

By



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